

JUL 28 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

DANIEL MEDINA-LANDEI,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 02-73128

Agency No. A74-334-051

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006 ^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Daniel Medina-Landei, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order affirming without opinion an

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's ("IJ") order denying his application for suspension of deportation. We grant the petition for review and remand.

The IJ denied relief for failure to demonstrate the requisite hardship and period of continuous physical presence, and the BIA summarily affirmed.

Because the BIA's "affirmance without opinion endorses only the result of the IJ's decision and not its reasoning, we do not know whether the BIA's decision was based on the reviewable or unreviewable ground, or both." *Lanza v. Ashcroft*, 389 F.3d 917, 927 (9th Cir. 2004). Therefore, we vacate and remand with instructions for the BIA to clarify its grounds for affirming the IJ's denial of Medina-Landei's application for suspension of deportation. *Id.* at 932.

Carolyn E. Reinholdt's motion to withdraw as counsel and Medina-Landei's motion to substitute Tamiko O. Moore as counsel are granted. The clerk is directed to amend the docket to reflect the substitution of counsel, and to serve a copy of this memorandum disposition on Tamiko O. Moore.

**PETITION FOR REVIEW GRANTED; VACATED and
REMANDED.**